

United States District Court

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

§

vs.

§

Case No. 4:06cr134
(Judge Schneider)

DARLA ANN MCADAMS

§

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 3, 2009, to determine whether Defendant violated her supervised release. Defendant was represented by Denise Benson. The Government was represented by Stevan Buys.

On February 14, 2007, Defendant was sentenced by the Honorable Michael H. Schneider to eighteen (18) months' imprisonment followed by three (3) years of supervised release for the offense of Theft or Receipt of Stolen Mail Matter. On August 8, 2008, Defendant completed her period of imprisonment and began service of her supervised term.

On July 22, 2009, the U.S. Pretrial Services Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory conditions: (1) defendant shall not commit another federal, state, or local crime; and (2) defendant shall not illegally possess a controlled substance. The petition also alleged violation of the following standard condition: (1) that defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substances or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The petition alleges that Defendant committed the following acts: (1) Defendant was arrested

by Grayson County Sheriff's Department on January 13, 2009, for the offense of possession of a controlled substance, more than one gram, but less than four grams, a third degree felony; (2) On July 9, 2009, Defendant entered a guilty plea before Texas State District Judge Rayburn Nall in the 59th District Court, Grayson County, Texas. She was sentenced to five (5) years' imprisonment in the Texas Department of Criminal Justice.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations. The Court recommends that Defendant's supervised release be revoked. The Court finds the guideline range in this case is 18 to 24 months.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. The Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-four (24) months with no supervised release to follow. It is also recommended that this sentence should be served consecutively to any sentence of imprisonment the Defendant is currently serving.

It is also recommended that Defendant be housed in the FMC Carswell.

SIGNED this 5th day of November, 2009.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE